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12 Proposed Attorneys for Debtor

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14 **UNITED STATES BANKRUPTCY COURT**  
15 **DISTRICT OF NEVADA**

16 In re:

17 SPARTAN POOLS LLC,

18 Debtor.

19 Case No. 22-13244-nmc  
20 Chapter 11

21 Date: OST REQUESTED  
22 Time: OST REQUESTED

23 **EMERGENCY MOTION TO APPROVE CARLOS TAPIA AS A**  
**DESIGNATED RESPONSIBLE PERSON IN ITS CHAPTER 11 CASE**

24 Spartan Pools LLC, a Nevada limited liability company, as debtor and debtor in possession (the “Debtor”), submits its motion (the “Motion”) pursuant to Rule 9001(5) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rule(s)”) seeking to approve Carlos Tapia (“Mr. Tapia”) as a designated responsible person for the Debtor in this bankruptcy case. This Motion is made and based on the points and authorities herein, the *Omnibus Declaration of Carlos Tapia in Support of the Debtor’s Initial Emergency Motions and Related Relief* (the “Omnibus Declaration”), the papers and pleadings on file herein, judicial notice of which are requested, and any arguments of counsel made at the hearing on the Motion.

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## I. Introduction

1. The Debtor is a Nevada limited liability company that specializes in swimming pool and spa construction, renovations, and repairs. The Debtor was formed on October 24, 2014, and its sole member and owner is Carlos Tapia (“Mr. Tapia”). The Debtor is filing for bankruptcy reorganization principally to achieve a more economical and expedient resolution to an ongoing litigation in Nevada state court (the “Litigation”), which has proven very expensive and time consuming to litigate and resolve, and to allow Spartan to continue in business. Additional information regarding the Debtor’s Businesses and its reasons for filing for bankruptcy protection are in the Omnibus Declaration.

## **II. Jurisdiction and Venue**

2. On September 9, 2022 (the “Petition Date”), the Debtor filed its voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”), thereby commencing its bankruptcy case (the “Chapter 11 Case”). The Debtor has elected to be treated as a small business debtor under Subchapter V of chapter 11 of the Bankruptcy Code, and thus is authorized to continue operating its business as a debtor in possession pursuant to section 1184 of the Bankruptcy Code.

3. The Court has subject matter jurisdiction to consider and determine this matter pursuant to 28 U.S.C. §§ 157 and 1334, and Local Rule 1001(b)(1). This is a core proceeding pursuant to 28 U.S.C. § 157(b). Pursuant to LR 9014.2, the Debtor consents to the entry of final orders and judgments by the bankruptcy judge. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408(1) and 1409(a).

### **III. Relief Requested**

4. Mr. Tapia is the Debtor's sole managing member, and has worked in this capacity since the company was founded in 2014, and thus he is familiar with the Debtor's finances and operations. Additionally, pursuant to the Debtor's corporate resolution authorizing it to file bankruptcy as attached to its *Voluntary Petition* [ECF No. 1], Mr. Tapia was selected as a designated responsible person for the Debtor in its Chapter 11 Case, and this Motion seeks to implement the foregoing.

5. Pursuant to Bankruptcy Rule 9001(5) the term "debtor" is defined as follows:

[W]hen any act is required by these rules to be performed by a debtor or when it is necessary to compel attendance of a debtor for examination and the debtor is not a natural person: (A) if the debtor is a corporation, "debtor" includes, if designated by the court, any or all of its officers, members of its board of directors or trustees or of a similar controlling body, a controlling stockholder or member, or any other person in control; . . .

Fed. R. Bankr. P. 9001(5).

6. Mr. Tapia is suitable for serving as a designated responsible person on behalf of Debtor in this Chapter 11 Case given his role with the Debtor. Moreover, pursuant to the corporate resolution authorizing its bankruptcy filing, the Debtor designated him as responsible person to take all actions reasonably necessary to administer the Chapter 11 Case. Accordingly, it is in the best interests of the Debtor, its estate, all creditors and parties in interest that Mr. Tapia be approved as a designated responsible person on behalf of the Debtor in this Chapter 11 Case.

#### **IV. Conclusion**

WHEREFORE, the Debtor requests that the Court enter an order substantially in the form attached as **Exhibit 1** on an emergency interim basis and pending a final hearing, thereby approving Carlos Tapia as a designated responsible person for the Debtor's pursuant to Bankruptcy Rule 9001(5). The Debtor also requests that the Court schedule a final hearing to consider the relief requested in the Motion on a final basis. The Debtor also requests such other and further relief as is just and proper.

Dated: September 16, 2022.

By: /s/ Zachariah Larson  
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### Proposed Attorneys for Debtor

## EXHIBIT “1”

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:	Case No. 22-13244-nmc
SPARTAN POOLS LLC,	Chapter 11
Debtor.	Interim Hearing: _____, 2022 at _____ Final Hearing: _____, 2022 at _____

**INTERIM ORDER GRANTING DEBTOR'S MOTION TO DESIGNATE CARLOS TAPIA AS DESIGNATED RESPONSIBLE PERSON FOR THE DEBTOR**

Spartan Pools LLC, a Nevada limited liability company, as debtor and debtor in possession (the “Debtor”), having filed its *Emergency Motion to Designate Carlos Tapia as Designated Responsible Person for the Debtor* (the “Motion”) [ECF No. \_\_\_\_], thereby seeking to designate Carlos Tapia as a designated responsible person for the Debtor in its bankruptcy case pursuant to Fed. R. Bankr. P. 9001(5); the Court having reviewed and considered the Motion; no oppositions to the Motion having been filed; the Court having held a hearing on the Motion, and

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1 all appearances having been noted on the record; the Court having placed its findings of fact and  
2 conclusions of law on the record at the hearing, which are incorporated herein pursuant to Fed.  
3 R. Civ. P. 52, as made applicable pursuant to Fed. R. Bankr. P. 7052 and 9014; and good cause  
4 appearing;

5 **IT IS HEREBY ORDERED**

6 1. The Motion is GRANTED on an emergency, interim basis pending a final  
7 hearing, which final hearing shall be held on \_\_\_\_\_, 2022 at \_\_\_\_\_.

8 2. Carlos Tapia is designated as a responsible person for the Debtor in its bankruptcy  
9 case pursuant to Fed. R. Bankr. P. 9001(5), and retroactive to the Petition Date.

10 **IT IS SO ORDERED.**

11 PREPARED AND SUBMITTED:

12 By: /s/ Zachariah Larson  
13 LARSON & ZIRZOW, LLC  
14 ZACHARIAH LARSON, ESQ.  
15 Nevada Bar No. 7787  
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## **LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- The court has waived the requirement set forth in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion.
- I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated

(Office of the United States Trustee):

(Subchapter V Trustee):

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

# # #

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